

Date **AUGUST 18, 1986** SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
HONORABLE **P G BRECKENRIDGE, JR** JUDGE

Deputy Sheriff
Court Attendant

R HART

, Deputy Clerk

NONE

, Reporter

(Parties and counsel checked if present)

1. **NONE**

C420 153
GERALD ARMSTRONG,

Counsel for
Plaintiff

VS

Counsel for
Defendant

**CHURCH OF SCIENTOLOGY OF
CALIFORNIA,**

NATURE OF PROCEEDINGS: **MOTION OF CROSS-DEFENDANT TO INITIATE AN INVESTIGATION
OF VIOLATIONS OF TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION RE CONTEMPT
(SUBMITTED MATTER)**

The Motion to initiate an investigation is denied.

The contentions made by the Church are without merit. the primary purpose of such an investigation presumably would be to initiate contempt proceedings should there prove to be any violations of the Court's sealing orders. Bearing in mind the burden of proof in a contempt prosecution and the one year statute of limitations, except as to continuing violations, all that has been presented basically is a conflict between the declarations submitted by both sides concerning events that happened in the past. Cross-defendant relies heavily upon declarations by Ms. Cooper and Mrs. Dukoff. Both of these persons have severe credibility problems. Mr. Flynn and others have submitted contrary declarations. The Court sees no reason to believe either Ms. Cooper or Mrs. Dukoff over the contrary declarations, and is not satisfied by even a preponderance of the evidence that there has been a violation of the sealing order.

Further, the Court believes that considering the fact that the trial is scheduled to begin in January, the attention and efforts of the parties should be directed towards preparing themselves for trial. The proposed investigation would only divert the parties from what should be done between now and January, and inevitably prolong and make more costly what has already been a time consuming and expensive process. In addition, such would inevitably impinge upon the Court's limited resources and ability to deal with other proper court business, and simply be an exercise in futility.

Cross-complainant's request for CCP 128.5 sanctions are denied without prejudice.

A copy of this minute order is mailed to all counsel appearing at the hearing.

MINUTES ENTERED

8-18-86

COUNTY CLERK

(1)

DEPT. 57